

550  
BILL NO. Z-93-10-09

ZONING MAP ORDINANCE NO. Z- 09-93

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. L-26.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

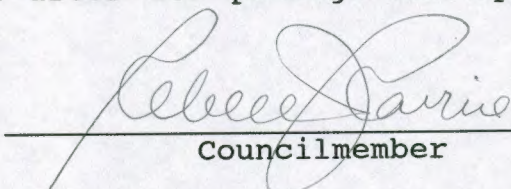
SECTION 1. That the area described as follows is hereby  
designated an M-2 (General Industrial) District under the  
terms of Chapter 33 of the Code of the City of Fort Wayne,  
Indiana of 1974:

Part of the Northwest Quarter of Section 26, Township 31  
North, Range 12 East, in Allen County, Indiana, more  
particularly described as follows:

Beginning at a point on the South right-of-way line of  
U.S. Highway #30 By-Pass, said point being 102.15 feet  
South of the North line of the Northwest Quarter of  
Section 26, Township 31 North, Range 12 East, in Allen  
County, Indiana, and on the West right-of-way line of New  
York Central Railroad; thence South along the West line  
of the said N.Y.C. Railroad, a distance of 314.6 feet;  
thence East with a deflection angle to the left of 89  
degrees 57 minutes, a distance of 90.0 feet; thence North  
with a deflection angle to the left of 90 degrees 03  
minutes, and parallel to the West right-of-way line of  
N.Y.C. Railroad, a distance of 314.5 feet to a point on  
the South right-of-way line of U.S. Highway #30 By-Pass;  
thence West along said South right-of-way line, a  
distance of 90.0 feet to the point of beginning,  
containing 0.65 acres.

and the symbols of the City of Fort Wayne Zoning Map No. L-26,  
as established by Section 11 of Chapter 33 of the Code of the  
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY



Read the first time in full and on motion by Ravine,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_\_, M., E.S.T.

DATED: 10-12-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long,  
and duly adopted, placed on its passage. PASSED Long  
by the following vote:

|             | AYES     | NAYS | ABSTAINED | ABSENT |
|-------------|----------|------|-----------|--------|
| TOTAL VOTES | <u>9</u> |      |           |        |
| BRADBURY    | <u>✓</u> |      |           |        |
| EDMONDS     | <u>✓</u> |      |           |        |
| GIAQUINTA   | <u>✓</u> |      |           |        |
| HENRY       | <u>✓</u> |      |           |        |
| LONG        | <u>✓</u> |      |           |        |
| LUNSEY      | <u>✓</u> |      |           |        |
| RAVINE      | <u>✓</u> |      |           |        |
| SCHMIDT     | <u>✓</u> |      |           |        |
| TALARICO    | <u>✓</u> |      |           |        |

DATED: 12-14-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-09-93

on the 14th day of December, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Mark C. Giaquinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 15th day of December, 1993,  
at the hour of 2:00 o'clock P, M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of December,  
1993, at the hour of 11:15 o'clock P, M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

# RECEIPT

No 14893

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 9-15 1993

RECEIVED FROM

L. Koppfenstein Sub

\$

200.00

THE SUM OF

two hundred + 00/100

100

DOLLARS

ON ACCOUNT OF

407 W. Coliseum  
Fort

6033

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

9-15-93

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We MARK DAVID JONES  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B-2-D 4M-2 District to a/an M-2 District the property described as follows:

Part of the Northwest Quarter of Section 26, Township 31 North  
Range 12 East, in Allen County, Indiana, more particularly  
as descibed in the attached Survey and Legal Description

Beginning at a point on the South right-of-way line of U.S. #30  
By-Pass, said point being 102.15 feet south of the North line of  
the Northwest Quarter of Section 26, Township 31 North, Range 12  
East, in Allen County, Indiana, and on the west...(cont. on back)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

407 West Coliseum Blvd. Fort Wayne, Ind.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Loren Klopfenstein

10503 Lagoon Drive

Leo, Ind. 46765

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission.

Name and address of the preparer, attorney or agent.

Mark David Jones  
(Name)

6201 Acres Road  
(Address & Zip Code)

(313) 888-1119  
(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning  
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,  
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

...right-of-way line of the New York Central Railroad; thence south along the West line of said N.Y.C. Railroad, a distance of 314.5 feet; thence East with a deflection angle to the left of 89 degrees 57 minutes, a distance of 90.0 feet; thence North with a deflection angle to the left of 90 degrees 03 minutes, and parallel to the West right-of-way line of the N.Y.C. Railroad, a distance of 314.6 feet to a point on the South right-of-way line of U.S. #30 By-Pass; thence West along said South right-of-way line, a distance of 90.0 feet to the point of beginning, containing 0.65 acres.

Owners of Property

|                           |                           |             |
|---------------------------|---------------------------|-------------|
| <u>Loren Klopfenstein</u> | <u>10503 Lagoon Drive</u> |             |
|                           | <u>Leo, Ind. 46765</u>    |             |
|                           |                           |             |
|                           |                           |             |
|                           |                           |             |
|                           |                           |             |
| (Name)                    | (Address)                 | (Signature) |

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

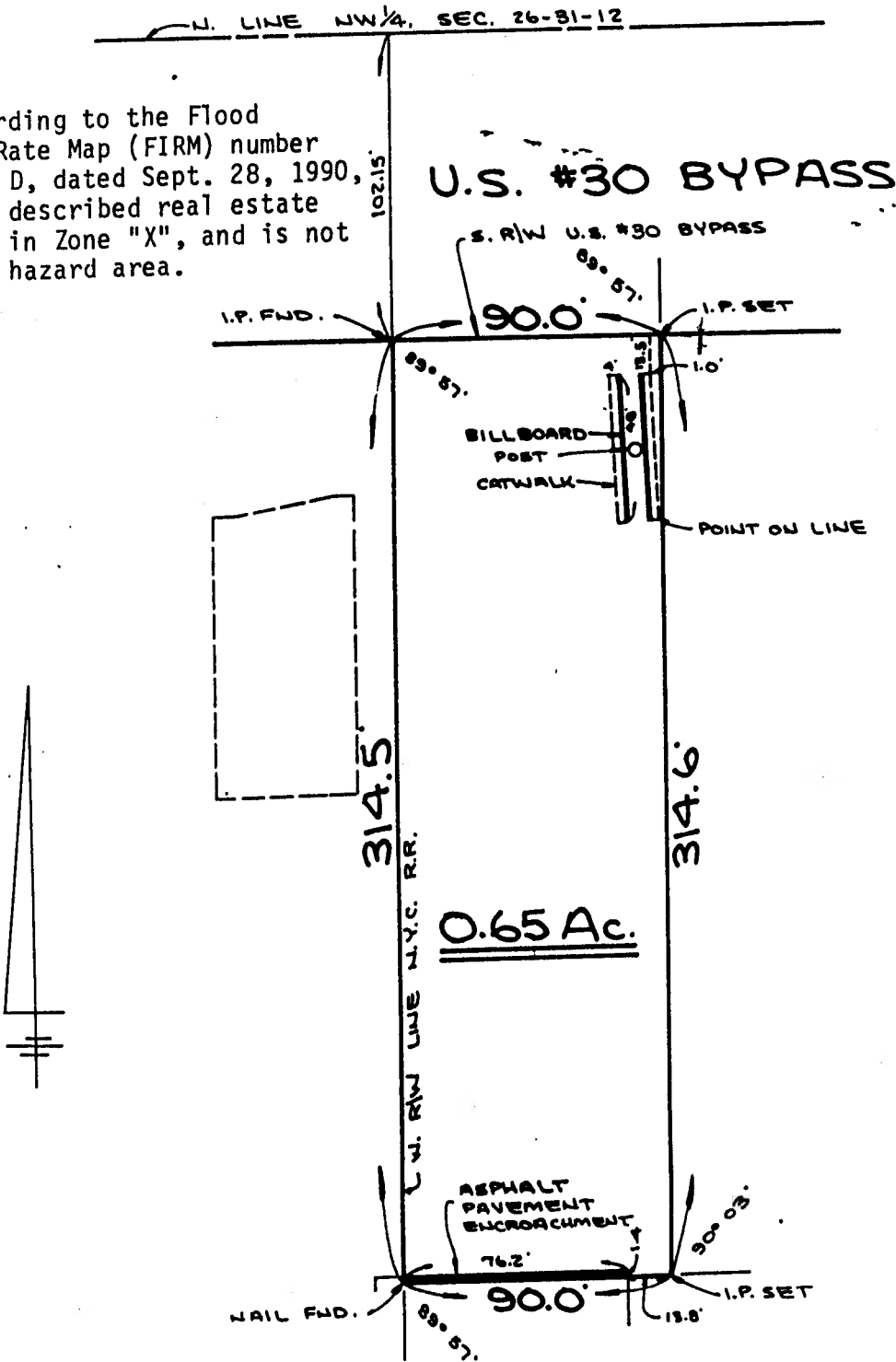
JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA  
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA  
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA  
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

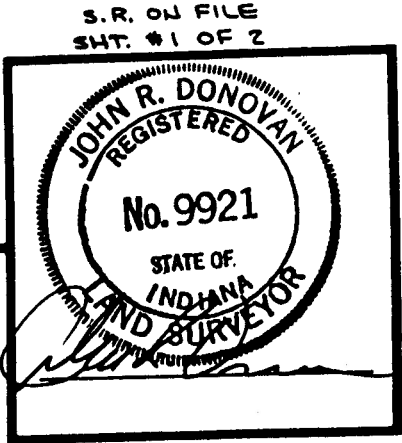
The description of the real estate is as follows, to wit: **SEE ATTACHED SHEET!**

NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0260 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.



JOB FOR: KLOPFENSTEIN

1"=60'  
1-15-92



## CERTIFICATE OF SURVEY

OFFICE OF:

### DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA  
FRANCIS X. MUELLER P.L.S. No. SO193 INDIANA  
GREGORY L. ROBERTS P.L.S. No. SO548 INDIANA  
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

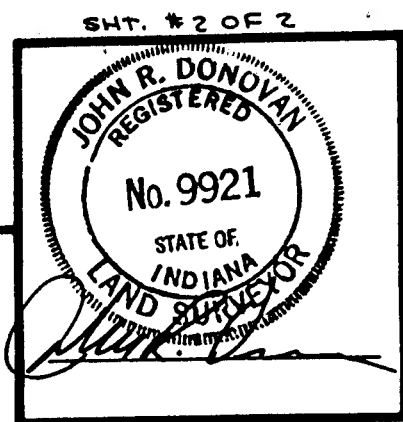
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Northwest Quarter of Section 26, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Beginning at a point on the South right-of-way line of U.S. Highway #30 By-Pass, said point being 102.15 feet South of the North line of the Northwest Quarter of Section 26, Township 31 North, Range 12 East, in Allen County, Indiana, and on the West right-of-way line of New York Central Railroad; thence South along the West line of the said N.Y.C. Railroad, a distance of 314.5 feet; thence East with a deflection angle to the left of 89 degrees 57 minutes, a distance of 90.0 feet; thence North with a deflection angle to the left of 90 degrees 03 minutes, and parallel to the West right-of-way line of the N.Y.C. Railroad, a distance of 314.6 feet to a point on the South right-of-way line of U.S. Highway #30 By-Pass; thence West along said South right-of-way line, a distance of 90.0 feet to the point of beginning, containing 0.65 acres.

JOB FOR: KLOPFENSTEIN

1-15-92



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 12, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-93-10-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 15, 1993.

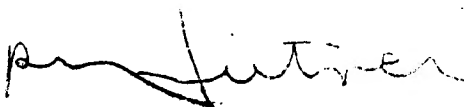
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 22, 1993.

Certified and signed this  
24th day of November 1993.



---

Robert Hutner  
Secretary



#550  
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 407 W Coliseum Bl

2-93-10-09

EFFECT OF PASSAGE Property is currently zoned B-2-D - Regional

Shopping Center District & M-2 - General Industrial District.

Property will be entirely zoned M-2 - General Industrial.

EFFECT OF NON-PASSAGE Property will remain zoned B-2-D -

Regional Shopping Center District & M-2 - General Industrial

District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

**FACT SHEET**

Z-93-10-09

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

**APPROVAL DEADLINE****REASON**

From M-2 &amp; B-2-D to M-2

**DETAILS****Specific Location and/or Address**

407 W Coliseum Bl

**Reason for Project**Redevelopment of the combined site  
by Klopfenstein Furniture.**Discussion (Including relationship to other Council actions)**15 November 1993 - Public Hearing

(See Attached Mintues of Meeting)

22 November 1993 - Business MeetingMotion was made and seconded to return  
the ordinance to the Common Council with  
a DO PASS recommendation.Of the seven (7) members present, six (6)  
voted in favor of the motion, one (1) did  
not vote. Motion carried.**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**Applicant(s)  
Mark David Jones

City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other  
☐ Pass (as  
amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

|                               |  |
|-------------------------------|--|
| Policy or Program Change      | <input type="checkbox"/> No <input type="checkbox"/> Yes |
|                               |  |
|                               |  |
|                               |  |
| Operational Impact Assessment |  |
|                               |  |
|                               |  |
|                               |  |

(This space for further discussion)

Project Start

Date September 15, 1993

Projected Completion or Occupancy

Date November 24, 1993

Fact Sheet Prepared by

Date November 24, 1993

Patricia Biancaniello

Reviewed by

Date November 29, 1993

Reference or Case Number

- b. Bill No. Z-93-10-09 - Change of Zone #550  
407 W Coliseum Blvd  
(Just west of the Olive Garden Restaurant on Coliseum Blvd.)

Mark David Jones, 6201 Acres Road, Ottawa Lake, Michigan, architect for Mr. Klopfenstein his client, appeared before the Commission. He stated that Mr. Klopfenstein has purchase the property at 407 W Coliseum Blvd., and he has also purchased the contiguous property which is the former Penn Central Railroad right-of-way which is between Olive Garden and the old Schuler's Appliance Store. He stated that he has consolidated the two properties and he wishes to construct a furniture store. He wishes to construct a building of approximately 25,000 square feet by tearing down the old Schuler Appliance Store and building onto the old right of way of the railroad. He stated that in their investigations they discovered that 40 feet of the railroad right of way was zoned B-2-D zoning. He stated that the rest of the property is zoned M-2. He stated that the purpose of their request is to consolidate the zoning into an M2 zoning so that they have a uniformity of zoning across the property and they can go ahead and design to one set of specific standards.

Mel Smith questioned if they were familiar with the staff conditions with regard to this request.

He stated that the Landscape Department recommend that they conform to business landscaping, he stated that they wish to conform to M-2 landscaping requirements. He stated that per the rendering they will have nice landscaping. He stated that the site is pretty tight, but they do not see any other problems with the conditions.

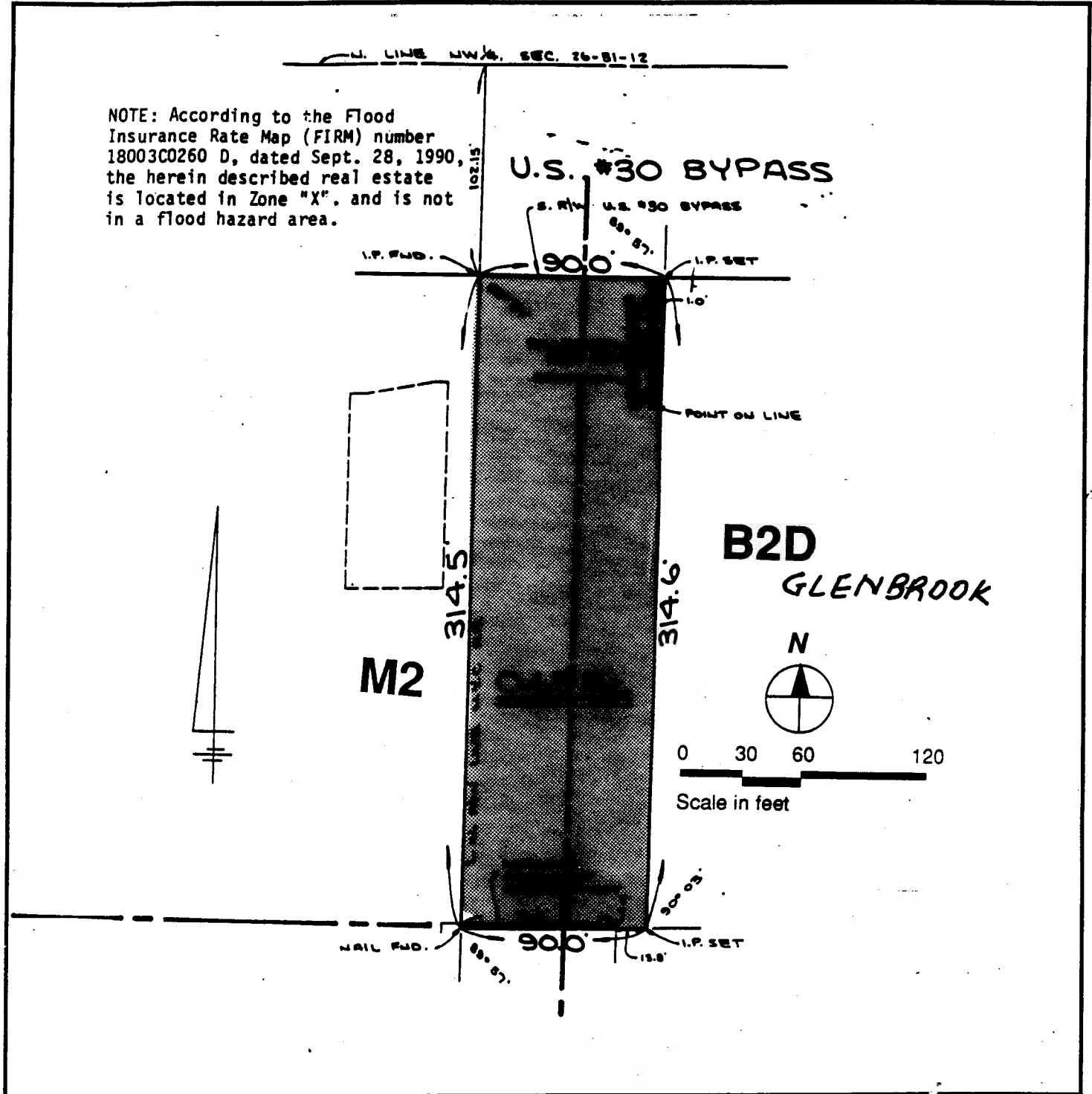
There was no one else present who spoke in favor of or in opposition to the proposed rezoning.



# REZONING PETITION

## AREA MAP

CASE NO. #550



COUNCILMANIC DISTRICT NO. 3

Map No. L-26  
LW 9-21-93

|       |                   |     |                              |     |                    |
|-------|-------------------|-----|------------------------------|-----|--------------------|
| R1    | One-Family        | B1  | Limited Business             | M1  | Light Industrial   |
| R2    | Two-Family        | B2  | Planned Shopping Center      | M2  | General Industrial |
| R3    | Multi-Family      | B3  | General Business             | M3  | Heavy Industrial   |
| RA/RB | Residential       | B4  | Roadside Business            | MHP | Mobile Home Park   |
| PUD   | Planned Unit Dev. | POD | Professional Office District |     |                    |

BILL NO. Z-93-10-09

REPORT OF THE COMMITTEE ON  
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS  
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. L-26

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Rebecca Ravine*

*David Long*

*John Smith*

*Mike Jones*

DATED: 12-14-93

Sandra E. Kennedy  
City Clerk